

RICHARD DOYLE, City Attorney (88625)  
NORA FRIMANN, Assistant City Attorney (93249)  
ARDELL JOHNSON, Chief Deputy City Attorney (95340)  
SHANNON SMYTH-MENDOZA, Sr. Deputy City Attorney (188509)  
Office of the City Attorney  
200 East Santa Clara Street, 16<sup>th</sup> Floor  
San José, California 95113-1905  
Telephone Number: (408) 535-1900  
Facsimile Number: (408) 998-3131  
E-Mail Address: cao.main@sanjoseca.gov

Attorneys for Defendants

THE SEHAT LAW FIRM, PLC  
Cameron Sehat, Esq. (SBN 256535)  
18881 Von Karman Ave., Ste. 850  
Irvine, California 92612  
Telephone Number: (949) 825-5200  
Facsimile Number: (949) 313-5001  
E-Mail Address: cameron@sehatlaw.com

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

LEE DARNELL WATSON,

Plaintiff,

v.

CITY OF SAN JOSE, a government entity;  
MATTHEW BRACKETT, individually;  
RYAN HANSEN, individually; RONALD  
HUGHES; and DOES 1-10, inclusive,

Defendants.

Case Number: 15-cv-04054-NC

**STIPULATION AND ~~PROPOSED~~  
ORDER TO STAY PROCEEDINGS  
PENDING OUTCOME OF CRIMINAL  
MATTER ; AS MODIFIED**

**THE PARTIES BY AND THROUGH THEIR RESPECTIVE COUNSEL HEREBY  
STIPULATE AS FOLLOWS:**

1. Plaintiff's Complaint alleges several causes of action arising from an incident occurring on or about October 1, 2014 in San Jose, California. Plaintiff alleges the

Defendants used excessive force when taking him into custody. Plaintiff is currently facing criminal charges arising from this incident.

2. Based on the grounds that the pending State criminal charges resulting from the arrest of Lee Darnell Watson are inextricably related to the causes of action in this civil action, the lack of prejudice and reduced burden to the parties, and in the interests of judicial economy and the public, the parties stipulate that the entire civil action be stayed for 90 days. See *Keating v. Office of Thrift Supervision*, 45 F.3d 322, 324-25 (9<sup>th</sup> Cir. 1995); see also *Federal Sav. & Loan Ins. Corp. v. Molinaro*, 889 F.2d 899, 902 (9<sup>th</sup> Cir.1989). Specifically, the parties request that the court stay the entire civil action for a 90-day period subject to an extension that will be based on information provided by Santa Clara County District Attorney's Office or Plaintiff's counsel in the criminal matter.

The parties ask the court stay the proceedings for 90 days as Plaintiff's state court criminal case is expected to resolve following the time not waived jury trial set for March 20, 2016. It is anticipated that some form of resolution will occur no later than by April 29, 2016.

Respectfully submitted,

Dated: February 17, 2016

RICHARD DOYLE, City Attorney

By: /s/ Shannon Smyth-Mendoza  
SHANNON SMYTH-MENDOZA  
Sr. Deputy City Attorney

Attorneys for Defendants

Dated: February 17, 2016

THE SEHAT LAW FIRM, PLC

By: /s/ Cameron Sehat  
CAMERON SEHAT  
Attorney for Plaintiff

I attest that Plaintiffs' counsel has read and approved this document, and given consent to the filing of the same with the Court.

Respectfully submitted,

Dated: February 17, 2016

RICHARD DOYLE, City Attorney

By: /s/ Shannon Smyth-Mendoza  
SHANNON SMYTH-MENDOZA  
Sr. Deputy City Attorney

Attorneys for Defendants

**ORDER**

Good cause appearing the Court orders the entire civil action is stayed <sup>until May 20</sup> ~~for a 90-day~~ or further court order. Joint status report due May 20, 2016. Deadline for ENE is extended 150 days. ~~period subject to an extension that will be based on information provided by law enforcement or Plaintiff's counsel in the criminal matter. The parties are ordered to return to Court on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.~~

Dated: February 17, 2016

HON. NATHANAEAL M. COUSINS  
UNITED STATES DISTRICT COURT

